

ITD EEO Office – External Programs
Americans with Disabilities Act and Section 504 Compliance

ADA Policy Statement

It is the policy of the Idaho Transportation Department (ITD) that no qualified individual with a disability shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). ITD further assures that every effort will be made to provide nondiscrimination in all of its programs and activities regardless of the funding source.

The EEO Manager is designated as the ITD ADA Coordinator, and is responsible for oversight and assurances of the ITD ADA program to include public rights of way, buildings and facilities, and access to programs, services, and benefits. Much of the day-to-day activities involved with ADA compliance are handled individually by each section within the ITD. The primary areas of responsibility actively handled by the ADA Coordinator include:

- ADA complaints (excluding internal employee complaints)
- Compliance oversight
- Reporting
- Providing technical assistance

HOW IS AN ADA DISCRIMINATION COMPLAINT FILED?

Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any Idaho Transportation Department (ITD) service, program or activity, and believes the discrimination is based upon disability. Complaints will be accepted in writing only, must be signed, and may be filed with ITD's Equal Employment Opportunity Office in Boise.

A signed written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence). Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), and/or the Federal Transit Administration (FTA) within the 180 day timeframe. The complaint should contain:

- Name, address, telephone number, and signature of complainant.
- Facts and circumstances surrounding the claimed discrimination, including date of allegations, and basis of complaint.
- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Corrective action being sought by the complainant.

HOW WILL A COMPLAINT BE RESOLVED?

Within ten days of receiving a written complaint, ITD's EEO Office will acknowledge receipt of the allegation and forward the complaint to the FHWA or FTA.

WHAT IF A RECIPIENT RETALIATES AGAINST THE COMPLAINANT FOR FILING A COMPLAINT?

Federal laws prohibit a recipient of federal funds from retaliating against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Any complaints of retaliation should be directed to ITD's EEO Office immediately at:

Idaho Transportation Department
Equal Employment Opportunity Office
Attention: Karen Sparkman, ADA Coordinator
P. O. Box 7129
Boise, ID 83707

Phone: (208) 334-8852
TDD: (208) 334-4458

Regulating Authorities

Section 504 of the Rehabilitation Act of 1973, as amended.

49 CFR 27 (Non discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance)

The Civil Rights Restoration Act of 1987

42 USC 12101-12213 (The Americans with Disabilities Act (ADA) of 1990)

28 CFR 35 implementing Title II of the ADA